




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE UNDER 37 C.F.R. §1.10

I hereby certify that the documents enclosed herein are being deposited with the United States Postal Service on this 9<sup>th</sup> day of July, 2002 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL754587575US addressed to: BOX SEQUENCE, Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Michelle Ludwig

In re application of: )  
Corbin et al. )  
Serial No.: 09/663,779 ) Examiner: Nikolai M. Galitsky  
Filed: September 15, 2000 ) Group Art Unit: 1632  
For: Bacillus Thuringiensis Chromosomal Genome ) Conf. No. 2711  
Sequences and Uses Thereof )

BOX SEQUENCE LISTING  
Assistant Commissioner for Patents  
Washington, D.C. 20231

RESPONSE TO DECISION GRANTING-IN-PART PETITION

This paper is filed in reply to the above captioned Decision Granting-In-Part the Petition to Suspend the Sequence Rules, Paper No. 10, mailed by the USPTO on May 21, 2002, and granting a two-month time for reply. Examiner Hearn, Senior Petitions Examiner, Office of Petitions, in Paper No. 10, determined that the Applicant's petition to suspend the sequence rules was granted in part provided that the Applicants submit two additional copies of the CD-ROM originally filed with the application papers on September 15, 2000. Examiner Hearn determined that the CD-ROM provided therein was the CRF, and that the Applicant was therefore required to conform to 37 CFR 1.52(e) that permits the submission of sequence listings in either paper or CD-ROM format, as part of the specification. Therefore, it is believed that this paper, along with the accompanying two CD-ROM copies labeled according to 37 CFR 1.821(e) and 37 CFR 1.52(e)(4), now fully comply with the requirements as set forth in Examiner Hearn's Paper No. 10. Two additional copies of the sequence listing are provided in CD-ROM format, each disc

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being labeled as either Copy 1 or Copy 2 accordingly. In compliance with 37 CFR 1.52(e)(4), the CD-ROM CRF copy, and the CD-ROM Copy 1 and Copy 2 copies, are identical.

It is believed that the disc's supplied along with this reply make the Applicant's Petition to Suspend the Sequence Rules fully compliant with the rules at 37 CFR 1.52 and 1.821. Therefore, it is respectfully requested that the Examiner find for the Applicants and grant the petition in full at the Examiner's earliest opportunity.

It is believed that there are no fees required for the filing of this paper or the accompanying CD-ROM diskettes, however, the Applicant herewith grants the Office the authorization to charge any required fee for this filing to Deposit Account No. 13-4125.

If there are any questions or if any assistance is required with this matter, it is respectfully requested that the Examiner contact the undersigned attorney at the Examiner's earliest opportunity.

Respectfully submitted,



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Timothy K. Ball, Ph.D., Esq.  
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I hereby certify that the documents enclosed herein are being deposited with the United States Postal Service on this 9th day of July, 2002 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL751587575US addressed to: BOX SEQUENCE, Assistant Commissioner for Patents, Washington, D.C. 20231.

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)

BOX SEQUENCE

Assistant Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL LETTER

Transmitted herewith are the following documents in the above-identified application.

- X Response to Decision Granting-In-Part Petition
- X Two (2) CD-ROMs (labeled Copy 1 and Copy 2)
- X No fee is believed required with this filing.
- X If an extension or an additional extension of time is required, but is not enclosed, please consider this a conditional petition therefor and charge Deposit Account 13-4125 accordingly.
- X Please charge any deficiencies or credit any overpayment to Deposit Account 13-4125. A duplicate copy of this sheet is attached.

Respectfully submitted,

Timothy K. Ball

Timothy K. Ball, Ph.D., J.D.

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